

The Triennial Review Preliminary Draft

October 4, 2005
Tucson, Arizona

Purposes

Three main purposes today:

- To present the preliminary draft rules.
 - What's changed from the kickoff meetings?
 - What's new ?
- To discuss stakeholder comments received so far.
- To discuss the stakeholder process and schedule for rule development.

What's Changed Since the Kickoff Meetings?

- At the kickoff meetings, ADEQ presented the idea of consolidating the human health designated uses (FBC, PBC, FC and DWS) into a single HH designated use.
- ADEQ has reconsidered this idea. The preliminary draft retains the FBC, PBC, FC, and DWS designated uses.

What's Changed Since the Kickoff Meetings?

- At the kickoff, ADEQ was considering the proposal of a less stringent chronic selenium criterion (2 µg/L to 5 µg/ L)
- ADEQ is reconsidering after receiving comments from EPA & U.S. Fish & Wildlife Service. ADEQ retained 2 ug/L in the preliminary draft.



What's New Since the Release of the Preliminary Draft?

- Draft antidegradation rule
- There is a revised narrative nutrient implementation rule.
- ADEQ is considering a new suspended sediment concentration criterion to protect trout species from chronic exposures to suspended sediment
(A&Wc at 25 mg/L; A&Ww at 80 mg/L)

Adding New Surface Waters to Appendix B

- Comment: Several perennial and intermittent streams in Pima County that were identified for the Sonoran Desert Conservation Plan are not listed in Appendix B. High priority streams for inclusion include: Bingham Cienega, Posta Quemada Wash, Edgar Canyon, and Youtcy Canyon.

Lakeside Lake

- Appendix B of the preliminary draft rules indicates a change to the designated use of Lakeside Lake from A&Ww to A&Wedw. Because Lakeside Lake is made up of pumped groundwater and reclaimed water, it should remain listed as A&Ww.

Some Common Ground Chlorine Criteria to Protect Aquatic Life

- Comment: ADEQ should modify the total residual chlorine criteria to protect aquatic life in EDWs.
- ADEQ will propose adoption of total residual chlorine standards that are consistent with EPA national criteria recommendations.
 - Acute: 11 µg/L to 19 µg/L
 - Chronic: 5 µg/L to 11 µg/L



Some Common Ground Narrative Standard IPs in Rule

- Comment: ADEQ should develop implementation procedures for the narrative toxics standard, narrative bottom deposits and narrative nutrient standard in rules.
 - 2 out of 3 are in preliminary draft.
 - Narrative toxics will have to be addressed in a separate stakeholder process.
 - ADEQ will also go forward with biocriteria and antidegradation IPs.

Davidson Canyon

- Comment: Classify Davidson Canyon as a unique water.
 - The nominated reach of Davidson Canyon is 3.2 miles in length with approximately 0.75 miles of perennial stream flow. The remainder of the nominated reach is intermittent or ephemeral. R18-11-112(D)(1) requires that a surface water be a perennial water.

Site-Specific Nitrate Standard: San Pedro

- Comment: ADEQ should repeal the site-specific nitrate standard of 10 mg/L that applies to the San Pedro River from Curtiss to Benson.
 - The reach does not have a DWS designated use. The site-specific standard of 10 mg/L is more stringent than the nitrate criteria established to maintain water quality for the designated uses of the river.
 - The site-specific standard was originally adopted in mid-1980's to protect groundwater in the alluvial aquifer from nitrate contamination.

Riparian Restoration Designated Use

- Comment: Adopt a new designated use and water quality criteria for riparian restoration projects.
 - WQS consist of a designated use and water quality criteria. ADEQ is unaware of a methodology to derive scientifically defensible water quality criteria for a riparian restoration use.

R18-11-113(E)

- The current and the preliminary draft rule both state:

The NPDES permit issuing authority shall use the water quality standards that apply to an effluent dependent water to derive discharge limitations for a point source discharge from a wastewater treatment plant to an ephemeral water that changes that ephemeral water into an effluent dependent water.

R18-11-113(E)

- Comment: ADEQ should repeal R18-11-113(E) for the following reasons:

- R18-11-113(E) conflicts with R18-11-113(A) which states that the Director shall classify a surface water as an EDW by rule.
- The mere discharge of wastewater cannot change an ephemeral water into an effluent dependent water.

Definition of “Effluent Dependent Water”

Comment: ADEQ should revise the definition of “effluent dependent water” to say that an EDW is a surface water that consists of treated wastewater that is classified as an EDW by the Director under R18-11-113(A). As part of the classification process, ADEQ must conduct a scientific study, utilize available site-specific research and data, or develop an implementation policy that identifies general criteria necessary to determine if discharge conditions are adequate to create an EDW and ecosystem.

Definition of Ephemeral Water

- Comment: The definition of “ephemeral water” should be changed to allow the possibility of an ephemeral water to receive intermittent discharges of treated wastewater while still maintaining its ephemeral use designation.

Process

- Comment: ADEQ should extend the schedule for completing the triennial review.
- ADEQ will take the time necessary to ensure adequate public participation in the development of revised WQS. Original schedule called for the completion of a Notice of Proposed Rulemaking in November, 2005. This target date will be extended to the end of the year.

Process

- Comment: Use a separate stakeholder process to develop new rules for each narrative standard.
- ADEQ will address as many of the narratives as possible through the triennial review process, but ADEQ will probably need to develop the IPs for the narrative toxics standard separately.

Revised Schedule

- Written comments on preliminary draft: November 4, 2005.
- Notice of Proposed Rulemaking: By December 31, 2005
- Is there a need for additional stakeholder meetings on specific WQS issues?



Your Comments and Issues

